

Minutes
**Labor-Management Advisory Council on
Workers' Compensation**

May 22, 2009
10:00-11:30 am

Advisory council members present: Lt. Governor Bohlinger, Jason Miller, Bob Worthington, Jerry Keck, Don Judge, Jacquie Helt, Annette Hoffman, Doug Buman, Riley Johnson, Dan Lee.

Core team members present: Dustin de Yong, Diana Ferriter, George Kochman, Judy Bovington, Keith Messmer

Others present: Jeanne Johns, Wade Wilkison, Bruce Chamberlain, ERD; Carl Kochman, WorkSafeMT and Montana State Fund; Nancy Butler, Montana State Fund; Webb Brown, MT Chamber of Commerce

I. Status of Other Workers' Compensation Bills

Jerry Keck reported that SJ 30 was expected to top the list of study bills for legislative interim committees. The first meeting of the Economic Affairs Interim Committee (EAIC) is July 8. The proposed committee members are Roy Brown, Ken Hansen, Michele Reinhart, Chuck Hunter, Don Roberts, Gordon Vance, Jim Keane, and Ryan Zinke. The vote to override the Governor's veto of SB 371 was due by June 11.

II. Discussion of LMAC Workplan for 2009-2010

The LMAC reviewed the LMAC Workplan Discussion List, which categorized topics in three categories: cost drivers, benefits, and WC coverage and liability. Annette Hoffman said the LMAC can look at WC system structure in other states and be an information resource for the EAIC. Riley Johnson suggested adding fraud and medical cost shifting to the list of cost drivers, to deal with perceptions frequently heard during the legislative session. Annette agreed, saying that self-insureds have little to no recourse regarding fraud.

Riley moved, Jason seconded that the LMAC set as their first priority the four-tier medical topics: the pharmacy fee schedule, non-facility fee schedule, facility fee schedule, and utilization and treatment guidelines. The motion passed unanimously.

For the next level of priority, the LMAC discussed availability and access to medical care, the Medicare secondary payer issue, fraud, and cost shifting. Riley suggested asking the EAIC for other cost drivers to study. Under benefits, Bob Worthington reported at a recent conference he heard Dr. Christopher Brigham give a nonclinical explanation of the AMA Guidelines for Permanent Impairment, 6th edition. Regarding exemptions (under WC coverage and liability), Don Judge requested the LMAC this year address the exemption issue raised by SB 363, Exempt speaking at public function from work comp covered employment.

III. WorkSafeMT

Carl Kochman, WorkSafeMT board chair, presented the WorkSafeMT strategic plan and the approval process for LMAC approval. The vote will be taken by e-mail.

IV. Public comment

There was no public comment.

V. Next steps

Summarize research from WC Study Project and LMAC and prepare report for EAIC	ERD staff	6/25/09
Redraft the LMAC workplan with the new priorities for further discussion	ERD staff	6/25/09

Next meeting: Thursday, June 25, Colonial Hotel Red Lion, Helena